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4 JERRY EUGENE SMITH,  
5 Petitioner,  
6 v.  
7 KEVIN CHAPELL,  
8 Respondent.

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10 Case No. 14-cv-04438-PJH  
11

12  
13 **ORDER FOR BRIEFING**  
14

15 Petitioner, a state prisoner, proceeds with a pro se petition for a writ of habeas  
16 corpus regarding a prison disciplinary finding that resulted in the loss of credits.  
17 Respondent has filed a motion to dismiss on the ground that the disciplinary finding does  
18 not affect the fact or duration of petitioner's confinement. Respondent argues that  
19 habeas jurisdiction is absent. Petitioner filed an opposition on May 26, 2015.  
20 Respondent filed a reply that cited to a recent Ninth Circuit case, *Nettles v. Grounds*,  
21 2015 WL 3406160 (9th Cir. May 28, 2015), that addressed habeas jurisdiction in a case  
22 with similar facts. Because *Nettles* was issued after petitioner filed his opposition, he will  
23 be provided an opportunity to file additional briefing regarding *Nettles* and the court will  
24 send that case with this order. Petitioner may file additional briefing, though it is not  
25 required, by July 13, 2015. No extensions will be provided.

26  
27 **CONCLUSION**  
28

1. Petitioner may file additional briefing by **July 13, 2015**. No extensions will be  
provided.

1           2. The Clerk shall send a copy of *Nettles* to petitioner with this Order.

2           **IT IS SO ORDERED.**

3           Dated: June 12, 2015



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4           5           PHYLLIS J. HAMILTON  
5           6           United States District Judge

7           \\CANDOAK\\Data\\Users\\PJHALL\\psp\\2014\\2014\_04438\_Smith\_v\_Chapell\_(PSP)\\14-cv-04438-PJH-\_ord.docx

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3  
4 JERRY EUGENE SMITH,  
5 Plaintiff,  
6 v.  
7 KEVIN CHAPELL,  
8 Defendant.

9 Case No. 14-cv-04438-PJH

10  
11 **CERTIFICATE OF SERVICE**

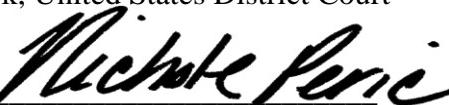
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
13 District Court, Northern District of California.

14 That on June 12, 2015, I SERVED a true and correct copy(ies) of the attached, by placing  
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
17 receptacle located in the Clerk's office.

18  
19 Jerry Eugene Smith ID: H-44485 (with attached Nettles case)  
20 San Quentin State Prison  
San Quentin, CA 94964

21  
22 Dated: June 12, 2015

23  
24 Richard W. Wiking  
Clerk, United States District Court

25 By:   
26 Nichole Peric, Deputy Clerk to the  
27 Honorable PHYLLIS J. HAMILTON